United Nations A/65/195

General Assembly

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Sixty-fifth session

Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Investigation into the invasion of Iraq

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Investigation into the invasion of Iraq".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

10-47270 (E) 300810 310810

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Annex I

[Original: Arabic]

Explanatory memorandum

The preamble to the Charter of the United Nations made it a primary objective of the peoples of the United Nations to save current and succeeding generations from the scourge of war. For that end, the Charter prohibits any use of armed force save in the common interest of those people.

However, numerous countries and peoples have endured foreign invasion since the establishment of the United Nations. Millions have suffered the use of force, genocide, arrest and execution. Those acts were never the subject of an international investigation in accordance with accepted standards.

Iraq and its people have been the victims of horrific actions in flagrant violation of the purposes and principles of the Charter of the United Nations, the provisions of which on the topic are clear. The excuses for the invasion, illegal occupation, slaughter of hundreds of thousands of citizens, displacement of millions of others and destruction of infrastructure were unconvincing; indeed, they have proved to be invalid and incorrect.

Those acts undermined the peace and security of Iraq and its people, and constituted blatant interference in the country's internal affairs. The execution by invading troops of Iraqi civilians and military personnel, including the President of Iraq, Saddam Hussein, contravened the four Geneva Conventions in that those individuals were prisoners of war. The inhuman acts which took place at Abu Ghraib prison were contrary to international human rights instruments and norms.

For the sake of present and future generations, it is therefore necessary to ensure accountability for past actions through concerted action under the aegis of the United Nations and, in particular, the General Assembly, which is the Organization's chief representative, deliberative and policymaking body and the forum in which all international issues are considered. First and foremost among those issues are the maintenance of peace and security and prevention of any action that breaches the peace of a Member State or intervenes in matters that are essentially within its essential jurisdiction.

These considerations highlight the urgent need to prosecute and punish those who caused the invasion of Iraq and put an end to their impunity, thereby enforcing the norms and principles of international law and upholding justice and the rule of law. The attached draft resolution is intended to ensure that the General Assembly fulfils its responsibilities by rejecting and condemning the invasion of Iraq as contrary to the principles, purposes and provisions of the Charter and international instruments. The draft resolution identifies the invasion of Iraq as an illegal act and affirms the need to prosecute those behind the invasion and the destruction of that country. In order to realize that objective, the text provides for the establishment of an international investigative panel in order to examine the causes underlying the invasion, the mass killings and the execution of Iraqi prisoners and, in particular, the President of Iraq, Saddam Hussein. The draft resolution also requests all States to end their military presence in Iraq, which has no basis in international law.

Annex II

[Original: Arabic]

Draft resolution
Investigation into the invasion of Iraq

The General Assembly,

Recognizing that the Charter of the United Nations made it a primary objective to save current and future generations from the scourge of war,

Noting that, since the establishment of the United Nations, numerous sovereign States have endured foreign invasion, leading millions to suffer the use of force, genocide, imprisonment and execution, none of which has been the subject of an international investigation in accordance with accepted standards,

Noting that the information presented in order to justify the invasion of Iraq was unconvincing and has proved to be invalid and incorrect,

Recalling that the military invasion and occupation of Iraq led to the deaths of hundreds of thousands of its citizens, displaced millions and destroyed the infrastructure of the country,

Reaffirming the role of the United Nations in maintaining international peace and security, and the need for Member States to refrain from any action that threatens or breaches the peace or constitutes an aggression against another State by intervening in matters which are essentially within the domestic jurisdiction of that State,

Recognizing that acts of aggression, wars and interference in internal affairs must be investigated, and the perpetrators held accountable,

Considering that the invasion and occupation of Iraq constitute illegal acts, a form of genocide and a contravention of the Charter of the United Nations and international instruments and norms,

Recognizing that, by executing Iraqi civilians and military personnel, including the President of Iraq, Saddam Hussein, the invading troops contravened the four Geneva Conventions in that those individuals were prisoners of war,

Recalling that the inhuman acts that took place in Abu Ghraib prison contravened and flagrantly violated international human rights instruments,

1. *Reaffirms* that the invasion of Iraq constituted an illegal act;

2. *Calls for* the prosecution of those behind the invasion and destruction of Iraq;

3. *Decides* to establish an international investigative panel to investigate the causes behind the invasion of Iraq, the mass killings and the execution of Iraqi prisoners of war and, in particular, the President of Iraq, Saddam Hussein;

4. *Requests* all States to end their military presence in Iraq because it has no legal basis.

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General Assembly

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2 August 2010

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Sixty-fifth session

Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Investigation into the wars that have broken out since the establishment of the United Nations

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Investigation into the wars that have broken out since the establishment of the United Nations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

10-47264 (E) 300810 310810

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Annex I

[Original: Arabic]

Explanatory memorandum

In its Preamble, the Charter of the United Nations identifies the motivations and reasons for the establishment of the Organization. According to the International Court of Justice, those motivations and reasons should inform interpretation of all the provisions in the Charter.

The Preamble provides that saving succeeding generations from the scourge of war is a primary goal of the peoples of the United Nations. It prohibits the use of armed force or military measures, save in the common interest of those peoples, other than joint military action planned with the assistance of the Military Staff Committee referred to in the Charter.

Nevertheless, since the establishment of the United Nations more than half a century ago, millions of children, women and men have been victims of atrocities resulting from the use of force, crimes of genocide, illegal intervention and more than 60 wars on different continents, including the wars in Grenada, Korea, Panama, Somalia, Suez, Viet Nam and the former Yugoslavia, as well as the current war in Iraq in its various aspects and the war in Afghanistan.

The peoples of the United Nations have not achieved their desired goals because certain States that were granted permanent membership of the Security Council have ignored their obligations under the Charter to contribute to the maintenance of international peace and security in the common interest of all Member States of the United Nations and to refrain from taking any action that threatens or violates the peace, or constitutes an act of aggression or intervention in matters which are essentially within the domestic jurisdiction of any State.

Such acts are a flagrant violation of the Charter of the United Nations and a threat to the peace, security and prosperity of the peoples of the United Nations and its smaller Member States. Those who perpetrate such acts should be prosecuted and punished, and should no longer be allowed to enjoy impunity for their actions, in accordance with the Charter, justice and the rule of law.

The foregoing demonstrates the need, for the sake of present and future generations, to ensure accountability for past actions through a collective effort under the aegis of the United Nations, and, in particular, the General Assembly, which is the Organization's chief representative, deliberative and policymaking organ and the forum in which all international issues are considered.

The attached draft resolution is intended to ensure that the General Assembly shoulders its responsibility by condemning the wars that broke out since the founding of the United Nations. Such wars are contrary to the motivations and reasons for the founding of the United Nations, as specified in the Preamble to the Charter, and to the purposes and principles of the Organization, and constitute use of force contrary to the common interest of the Member States. The draft resolution considers that failure to prevent or investigate wars that have broken out since the founding of the United Nations is inconsistent with the responsibilities of the United Nations and a threat to international peace and security. The draft resolution requests the General Assembly to consider establishing at its sixty-sixth session an

effective international mechanism in order to investigate the causes and background of wars that have broken out since the founding of the United Nations and ensure that their perpetrators do not go unpunished. It also requests the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the present resolution.

Annex II

[Original: Arabic]

Draft resolution

Investigation into the wars that have broken out since the establishment of the United Nations

The General Assembly,

Recognizing the importance of the motivations and reasons set forth in the Preamble to the Charter of the United Nations for the establishment of the Organization, and recalling the ruling by the International Court of Justice emphasizing that the Charter should be interpreted within the framework prescribed by the Preamble,

Noting that, under the Preamble of the Charter of the United Nations, saving succeeding generations from the scourge of war is a primary goal of the peoples of the United Nations, and that armed force or military measures shall not be used to achieve that goal, save in the common interest of those peoples and only through joint military action planned with the assistance of the Military Staff Committee referred to in the Charter,

Bearing in mind that, since the founding of the United Nations more than half a century ago, millions of children, women and men have been victims of atrocities committed by use of force, crimes of genocide, illegal intervention and more than 60 wars on different continents, including the wars in Grenada, Korea, Panama, Somalia, Suez, Viet Nam and the former Yugoslavia, as well as the war in Iraq in its various aspects and the war in Afghanistan,

Reaffirming the obligation of the Member States of the Security Council, and, in particular, that of the Council's permanent Members, to contribute to the maintenance of international peace and security, as well as the Organization's other purposes, and to refrain from taking any action that threatens or undermines the peace, or constitutes an act of aggression or intervention in matters which are essentially within the domestic jurisdiction of any State and that are unrelated to the common interest of all Member States,

Recognizing that acts of aggression, wars and intervention in the internal affairs of other States are a threat to the peace, security and prosperity of the peoples of the United Nations and a flagrant violation of the Charter, and that those who perpetrate such acts should be prosecuted and punished, and should not be allowed to avoid punishment and enjoy impunity for their actions,

Determined, for the sake of present and future generations, to ensure accountability for past actions so that such acts are not repeated,

1. *Considers* that the wars that have broken out since the founding of the United Nations are contrary to the motivations and reasons for the establishment of the United Nations, as set forth in the Preamble of the Charter, and to the purposes and principles of the United Nations;

2. *Condemns* all manifestations of the use of force against the common interest of the peoples of the world and Member States;

3. *Considers* that the failure to prevent or investigate wars that have broken out since the establishment of the United Nations, such as the wars in Afghanistan, Korea, Somalia, Suez, Viet Nam, the former Yugoslavia, as well as the war in Iraq in its various aspects and the invasions of Grenada and Panama, is inconsistent with the responsibilities of the United Nations and posed a serious threat to international peace and security;

4. *Decides* to consider at its sixty-sixth session the establishment of an effective international mechanism to investigate the causes and background of wars that have broken out since the establishment of the United Nations and ensure that their perpetrators do not go unpunished;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

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General Assembly

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2 August 2010
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Original: Arabic and English

Sixty-fifth session

Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Investigation into assassinations carried out since the establishment of the United Nations

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Investigation into assassinations carried out since the establishment of the United Nations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

10-47258 (E) 300810 310810

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Annex I

[Original: Arabic]

Explanatory memorandum

Since the establishment of the United Nations, several national liberation and political leaders and figures, international figures and human rights advocates were systematically and deliberately assassinated because of their political positions and views.

Such assassinations, including those of Patrice Lumumba, the African leader; Dag Hammarskjöld, Secretary-General of the United Nations; John F. Kennedy, President of the United States of America; Martin Luther King, the civil rights leader; Maurice Bishop, Prime Minister of Grenada; and many leaders of the Palestine Liberation Organization profoundly shocked the conscience of humanity and provoked the concern and condemnation of the entire international community. Those acts threatened international peace and security and were shrouded in mystery. Their perpetrators were not effectively prosecuted, contrary to the requirements of justice and the rule of law.

The laws enacted and the actions taken by States with regard to those acts were inadequate, and the manner in which they exercised their jurisdiction over those assassinations was met with scepticism and much criticism.

This demonstrates the need for concerted action under the aegis of the United Nations, and, in particular, the General Assembly, which is the Organization's chief deliberative and policymaking organ and the forum in which all international issues are considered. That action must be aimed at preventing the recurrence of such acts by ensuring accountability for past actions for the sake of present and future generations. Without follow-up and coordinated effort under the aegis of the Organization, the perpetrators of those assassinations will not be prosecuted or punished and will enjoy impunity for their actions, and States will not be able to exercise their jurisdiction over them transparently and fully.

The attached draft resolution calls upon the General Assembly to assume its responsibility to investigate the aforementioned assassinations of important figures because those assassinations constituted a serious threat to international peace and security and the purposes and principles of the United Nations. The draft resolution also calls upon the Secretary-General to form a commission to investigate those assassinations, determine their causes and propose means of punishing their perpetrators. The Secretary-General is further called upon to report to the General Assembly at its sixty-sixth session on the implementation of the present draft resolution.

Annex II

[Original: Arabic]

Draft resolution

Investigation into assassinations carried out since the establishment of the United Nations

The General Assembly,

Bearing in mind that, since the establishment of the United Nations, several national liberation and political leaders and figures, international figures and human rights advocates were systematically and deliberately assassinated because of their political positions and views,

Noting that such assassinations, including those of Patrice Lumumba, the African leader; Dag Hammarskjöld, Secretary-General of the United Nations; John F. Kennedy, President of the United States of America; Martin Luther King, the civil rights leader; Maurice Bishop, Prime Minister of Grenada; and many leaders of the Palestine Liberation Organization profoundly shocked the conscience of humanity and provoked the concern and condemnation of the entire international community,

Recognizing that such actions threaten international peace and security, and must not be allowed to occur again or go unpunished, and that their perpetrators must be prosecuted and should not be allowed to enjoy impunity for their actions, and that the exercise by States in a transparent and full manner of their jurisdiction over those responsible for those actions requires follow-up and coordinated effort under the aegis of the United Nations,

Determined, for the sake of the present and future generations, to ensure accountability for past actions, put an end to political assassinations and achieve justice and rule of law,

1. *Considers* the assassinations that were carried out since the establishment of the United Nations, and that targeted several important figures, including a number of national liberation and political leaders and figures, international figures and human rights advocates, to be a violation of the purposes and principles of the United Nations;

2. *Considers* that, under the Charter of the United Nations, the investigation of those assassinations is one of the responsibilities of the General Assembly and necessary to the maintenance of international peace and security;

3. *Calls upon* the Secretary-General to form a commission to investigate those assassinations, determine their causes and propose means of punishing their perpetrators;

4. *Also calls upon* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.